

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY</b>	
<b>Caption in Compliance with D.N.J. LBR 9004-2(c)</b> MILSTEAD & ASSOCIATES, LLC By: Andrew M. Lubin Atty. ID: AL0814 1 E. Stow Road Marlton, NJ 08053 (856) 482-1400 File No. 217025 Attorneys for Secured Creditor: Wells Fargo Bank, N.A.	
In Re:  Kim N. Roberts	Case No.: 17-31749-CMG Chapter 13  <b>Hearing Date: January 3, 2018</b> <b>Time: 10:00 am</b>  Judge: Christine M. Gravelle

### **OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN**

Wells Fargo Bank, N.A. ("Secured Creditor"), by and through its counsel, Andrew M. Lubin, Esquire, of MILSTEAD & ASSOCIATES, LLC, as and for an Objection to Confirmation of debtor's Chapter 13 Plan, states the following grounds therefore:

1. On October 27, 2017, Debtor, Kim N. Roberts filed a petition pursuant to Chapter 13 of Title 11 of the United States Code in the United States Bankruptcy Court for the District of New Jersey.
2. Wells Fargo Bank, N.A., is the holder of a first mortgage on real property owned by the Debtor known as and located at 32 Saxony Circle, Manchester Township, NJ 08759 (the "Property").
3. Secured Creditor has filed its Proof of Claim in this matter on December 6, 2017 and at claim number 3-1
4. As set forth in the aforementioned proof of claim, as of the date of the filing of the instant Chapter 13 petition, total arrears due to Secured Creditor through the Plan are \$37,212.52 with a secured claim amount of \$249,963.51.

5. Debtor's Chapter 13 Plan proposes a \$3,500.00 distribution to Secured Creditor with the remainder of the arrearage to be cured via loan modification and a completion date of June 30, 2018.

6. Secured Creditor objects if Debtor has not sought approval to be admitted into the Court's Loss Mitigation Program by the time of the confirmation hearing in this matter.

7. Secured Creditor objects in the event that Debtor, having been admitted, has failed to comply with the Court's Loss Mitigation Program's rules and procedures at the time of the confirmation hearing in this matter.

8. Secured Creditor objects in the event that Debtor elects to attempt to modify his loan outside the Court's program and has not posted on the docket proof of having submitted a modification packet to Secured Creditor by the time of the confirmation hearing in this matter.

9. Secured Creditor objects in the event that Debtor is not current with post-petition adequate protection payments at the time of the confirmation hearing in this matter.

10. Secured Creditor objects to the Debtor's Chapter 13 Plan as same does not propose to cure the entire pre-petition delinquency due to Secured Creditor and thus the Plan is not feasible as filed.

WHEREFORE, Secured Creditor respectfully requests that the Court deny confirmation of the Chapter 13 Plan for the reasons hereinabove set forth.

DATED: December 27, 2017

Respectfully submitted,  
MILSTEAD & ASSOCIATES, LLC

/s/Andrew M. Lubin  
Andrew M. Lubin, Esquire  
Attorney ID No. AL0814  
1 East Stow Road  
Marlton, NJ 08053  
(856) 482-1400  
Attorneys for Secured Creditor

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

MILSTEAD & ASSOCIATES, LLC

By: Andrew M. Lubin Atty. ID: AL0814

1 E. Stow Road

Marlton, NJ 08053

(856) 482-1400

File No. 217025

Attorneys for Secured Creditor: Wells Fargo Bank, N.A.

In Re:

Kim N. Roberts

Case No.: 17-31749-CMG

Chapter 13

**Hearing Date: January 3, 2018**

**Time: 10:00 am**

Judge: Christine M. Gravelle

**CERTIFICATION OF SERVICE**

1. I, Andrew M. Lubin, Esquire:

☒ represent the Secured Creditor in the above-captioned matter.

☐ am the secretary/paralegal for \_\_\_\_\_, who represents the  
\_\_\_\_\_ in the above captioned matter.

☐ am the \_\_\_\_\_ in the above case and am representing myself.

2. On December 27, 2017 I sent a copy of the following pleadings and/or documents to the parties listed in the chart below:

Objection of Secured Creditor to Confirmation of Chapter 13 Plan
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3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: December 27, 2017

/s/Andrew M. Lubin

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
<p>Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650-4853</p>	<p>Trustee</p>	<p><input type="checkbox"/> Hand-delivered  <input checked="" type="checkbox"/> Regular Mail  <input type="checkbox"/> Certified mail/RR  <input type="checkbox"/> E-mail  <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF)  <input type="checkbox"/> Other _____  (as authorized by the court *)</p>
<p>Avram D White Law Offices of Avram D White, Esq. 66 Hampton Terrace Orange, NJ 07050</p>	<p>Debtor's Attorney</p>	<p><input type="checkbox"/> Hand-delivered  <input checked="" type="checkbox"/> Regular Mail  <input type="checkbox"/> Certified mail/RR  <input type="checkbox"/> E-mail  <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF)  <input type="checkbox"/> Other _____  (as authorized by the court *)</p>
<p>Kim N Roberts 32 Saxony Circle Manchester, NJ 08759</p>	<p>Debtor</p>	<p><input type="checkbox"/> Hand-delivered  <input checked="" type="checkbox"/> Regular Mail  <input type="checkbox"/> Certified mail/RR  <input type="checkbox"/> E-mail  <input type="checkbox"/> Notice of Electronic Filing (NEF)  <input type="checkbox"/> Other _____  (as authorized by the court *)</p>

\* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.